

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

06/28/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CIVIL NO. 04-00743DAE-LEK

CASE NAME: Taryn Christian vs. Richard Bissen, et al.

ATTYS FOR PLA:

ATTYS FOR DEFT:

INTERPRETER:

JUDGE: Leslie E. Kobayashi

REPORTER:

DATE: 06/28/2006

TIME:

COURT ACTION: EO: On June 23, 2006, Respondents Richard Bissen, Acting Director, and the State of Hawai'i Department of Public Safety (collectively "Respondents") filed their Motion to Reconsider Court's June 14, 2006 Order Granting Motion for Leave to Conduct Discovery ("Motion"). Respondents point out that Hawai'i state law established procedures for convicted persons to seek post-conviction DNA testing. See Haw. Rev. Stat. § 844D-121, *et seq.* Respondents argue that these procedures constitute a "state corrective process" that is available to Petitioner Taryn Christian ("Petitioner"). They further argue that, because there is a state corrective process available to Petitioner, he must utilize that mechanism instead of habeas discovery.

The Court hereby instructs the parties to provide citations to case law either supporting or opposing the proposition that a post-conviction DNA testing procedure like Haw. Rev. Stat. § 844D-121, *et seq.*, constitutes a state corrective process which preempts habeas procedures. The parties shall appear at the discovery conference, set for Friday, June 30, 2006 at 9:00 a.m., prepared to discuss such cases.

Cc: all counsel

Submitted by: Warren N. Nakamura, Courtroom Manager